

Message Text

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ORIGIN PPT-02

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TO AMEMBASSY MANILA PRIORITY

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E.O. 11652: N/A

TAGS: CPAS PHILIPPINE GOVERNMENT PROPOSAL ON NATURALIZED

U. S. CITIZENS OF PHILIPPINE ORIGIN

SUBJ: MANILA'S 11985 OF 10/23/73

1. U. S. DOES NOT RECOGNIZE OFFICIALLY, OR APPROVE OF, DOCTRINE OF DUAL NATIONALITY. IT HAS LONG BEEN U. S. POLICY TO FAVOR SINGLE RATHER THAN DUAL/PLURAL NATIONALITIES FOR U. S. CITIZENS. NATIONALITY ACTS OF MARCH 2, 1907, 1940 AND PRESENT IMMIGRATION AND NATIONALITY ACT (1952) HAVE ALL PROVIDED FOR LOSS OF U. S. CITIZENSHIP THROUGH OBTENTION OF NATURALIZATION IN FOREIGN STATES. THOSE ACTS ALSO CONTAINED OTHER PROVISIONS FOR LOSS OF U. S. NATIONALITY. MANY NATURALIZATION CONVENTIONS BETWEEN U. S. AND FOREIGN STATES CONTAIN SECTIONS RELATING TO TERMINATION OF CITIZENSHIP UPON CITIZEN'S ESTABLISHMENT OF RESIDENCE IN THE COUNTRY OF WHICH HE WAS FORMERLY A NATIONAL. THESE CONCLUDED PRIOR SCHNEIDER DECISION.

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2. SINCE THE POSSESSION OF DUAL NATIONALITY STATUS CAN AND OFTEN DOES CAUSE SERIOUS DIFFICULTIES FOR U. S. CITIZENS, THE PROPOSAL OF GOP TO GRANT PHILIPPINE CITIZENSHIP TO U. S. CITIZENS OF PHILIPPINE ORIGIN SHOULD BE STRONGLY

DISCOURAGED.

3. COMMENTS ON SPECIFIC POINTS IN EMBASSY'S TELEGRAM:

PARS. 1 AND 2. AS INDICATED BY EMBASSY, ONE OF THE REASONS THE GOP DESIRES TO ENACT THE PRESENT PROPOSAL IS TO DIFFUSE ANTI-MARCOS FEELINGS WITHIN U. S. BASED PHILIPPINE COMMUNITY. THIS IS HOPED TO BE DONE BY REINSTATING THEIR PHILIPPINE CITIZENSHIP AND RIGHTS AND PRIVILEGES THEY WOULD ENJOY IN PHILIPPINES BY VIRTUE OF SUCH CITIZENSHIP IRRESPECTIVE OF JULY 3, 1974 EXPIRATION OF THE LAUREL-LANGLEY AGREEMENT. IF PHILIPPINE GOVERNMENT DESIRES TO GIVE U. S. CITIZENS FAVORABLE TREATMENT IN CONNECTION WITH PROPERTY OWNERSHIP, IT CAN DO SO WITHOUT MANIPULATING THEIR CITIZENSHIP STATUS IN SUCH A MANNER AS TO PERHAPS JEOPARDIZE THEIR U. S. CITIZENSHIP.

PAR. 3. REGARDING EMBASSY'S COMMENTS CONCERNING AFROYIM DECISION AND ATTORNEY GENERAL'S INTERPRETATION, EMBASSY SHOULD EMPHASIZE TO OFFICIALS OF GOP THAT U. S. CITIZENSHIP CAN BE LOST THROUGH THE PERFORMANCE OF ACTS MADE EXPATRIATING BY STATUTES IF THESE ACTS ARE ACCOMPANIED BY AN "INTENT" TO TRANSFER ALLEGIANCE TO PHILIPPINES OR ABANDON ALLEGIANCE TO U. S. A DUAL NATIONAL U. S.-PHILIPPINE LIVING IN PHILIPPINES WOULD BE MORE LIKELY TO AVAIL HIMSELF OF THE RIGHTS, PRIVILEGES AND OBLIGATIONS OF THAT STATE AND IN SO DOING HE MAY WELL SUBJECT HIMSELF TO POSSIBLE LOSS OF U. S. CITIZENSHIP THROUGH A VARIETY OF ACTS. IT SHOULD BE EMPHASIZED THAT A PERSON'S ACTS AS WELL AS HIS SUBJECTIVE STATEMENTS WILL BE CONSIDERED IN MAKING A DETERMINATION AS TO WHETHER OR NOT PARTICULAR INDIVIDUAL INTENDS TO RELINQUISH U. S. CITIZENSHIP.

A GRANT OF CITIZENSHIP, AS PROPOSED BY PHILIPPINE GOVERNMENT WOULD NOT NECESSARILY SHIELD U. S.-PHILIPPINE DUAL NATIONAL FROM APPLICATION OF EXPATRIATIVE PROVISIONS
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OF SECTION 349 AND 350 OF INA. FOR EXAMPLE THE PRESENT PROPOSAL MAY SUBJECT U. S.-PHILIPPINE DUAL NATIONALS TO EXPATRIATION: (A) BY SERVICE IN THE ARMED FORCES OF PHILIPPINES (B) BY ACCEPTING EMPLOYMENT WITH PHILIPPINE GOVERNMENT WITHOUT EVER TAKING AN OATH OF ALLEGIANCE (C) BY ACCEPTING OR EXERCISING THE SPECIAL RIGHTS TO PROPERTY OPEN ONLY TO PHILIPPINE CITIZENS.

WE ARE ALSO CONCERNED RE SCOPE OF PHILIPPINE EFFORT EXEND PHILIPPINE CITIZENSHIP TO U. S. CITIZENS. HOW WOULD IT AFFECT (1) U. S. CITIZENS OF PHILIPPINE ORIGIN NORMALLY RESIDENT IN U. S. (2) U. S. BORN CHILDREN OF THOSE WITH REINSTATED PHILIPPINE CITIZENSHIP (3) CHILDREN BORN IN

PHILIPPINES OF U. S. CITIZEN FATHER AND PHILIPPINE MOTHER
SOME OF WHOM ALREADY STATELESS BECAUSE OF NONRESIDENCE IN
U. S.

PAR. 4. DEPARTMENT ENVISIONS MANY OTHER PROBLEMS IN
ADDITION TO THOSE RELATING TO THE CITIZENSHIP AND
NATIONALITY LAWS IF GOP PROPOSAL IS CARRIED OUT INCLUDING
PROBLEMS CONCERNING DOUBLE TAXATION, EXTRADITION, PROPERTY
RIGHTS, PROTECTION AND INTERNATIONAL COMITY, VISA AND
PASSPORT APPLICATION FRAUD, AND SOCIAL SECURITY AND
VETERAN'S BENEFITS.

PHILIPPINES HAS NOT RATIFIED THE TAX TREATY PROVIDING FOR
TAX SET OFFS BY CITIZENS OF THE TWO COUNTRIES. U. S.
SENATE RATIFIED THIS TREATY JUNE 6, 1968 (SEE SERIES OF
TELEGRAMS BETWEEN DEPARTMENT AND EMBASSY IN 1968-69 ON
THIS SUBJECT). AS A RESULT PERSONS COMING UNDER PRESENT
PHILIPPINE PROPOSAL MAY BE SUBJECT TO DOUBLE TAXATION.

ARTICLE 5 OF PROPOSED EXTRADITION TREATY WITH PHILIPPINES
WOULD ALLOW SECRETARY TO DENY EXTRADITION OF NATIONALS.
THIS ARTICLE HAS BEEN SUBJECT OF CONTROVERSY IN
NEGOTIATIONS. DEPARTMENT WOULD APPRECIATE EMBASSY'S
ASSESSMENT OF POSSIBILITY THAT GOVERNMENT OF PHILIPPINES
IN ANY WAY BELIEVES THAT PROPOSED ACTION REGARDING
PHILIPPINE CITIZENSHIP WOULD AFFECT SECRETARY'S AUTHORITY
TO DENY EXTRADITION IF TREATY EVER SIGNED AND RATIFIED.

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AS SUCH CASES ARISE CONCERNING DUAL NATIONALS, WE FORESEE
SERIOUS PROBLEM IN EXPLAINING TO U. S. RELATIVES AND
CONGRESS WHY OUR RIGHT TO EXERCISE PROTECTION FOR U. S.
CITIZENS MAY BE RESTRICTED BECAUSE SUBJECT IS ALSO
PHILIPPINE CITIZEN. PROBLEM OF DUAL NATIONALITY MIGHT
OCCUR NOT ONLY WITH U. S. CITIZENS RESIDENT IN PHILIPPINES
BUT ALSO WITH U. S. CITIZENS MERELY VISITING THAT COUNTRY.

AS EMBASSY IS WELL AWARE FRAUDULENT ACTIVITIES IN
CONNECTION WITH PASSPORT AND VISA APPLICATIONS ARE
ENDEMIC TO PHILIPPINES. DUE TO LARGE NUMBER OF PERSONS
AFFECTED BY GOP PROPOSAL THERE WILL BE IN ALL LIKELIHOOD
AN INCREASE IN FRAUD PROBLEMS AS WELL AS AN INCREASE IN
THE WORK VOLUME OF POST RESULTING FROM FRAUD SITUATION,
AND CONSEQUENTLY WOULD REDUCE TIME AVAILABLE TO PROCESS
HIGH LEVEL OF PASSPORT AND VISA APPLICATIONS RECEIVED IN
PHILIPPINES.

PAR. 5. IN VIEW OF PROBLEMS INHERENT IN PHILIPPINE
PROPOSAL DEPARTMENT FEELS IT WOULD BE ILL-ADVISED FOR
U. S. GOVERNMENT TO SUGGEST ANY ALTERNATIVE PROPOSALS

WHICH WOULD ENCOURAGE PHILIPPINE GOVERNMENT TO MAKE A
BLANKET CONFERRAL OF CITIZENSHIP. IT IS SUGGESTED THAT
EMBASSY INDICATE THAT WHILE IT IS RECOGNIZED THAT
PHILIPPINE GOVERNMENT MAY DETERMINE HOW AND FOR WHAT

PURPOSE IT WILL GRANT PHILIPPINE NATIONALITY TO
INDIVIDUALS, U. S. ADVISES AGAINST ANY GRANT OF
CITIZENSHIP TO A SELECT GROUP OR CLASS OF U. S. CITIZENS
ON THE BASIS OF THEIR ETHNIC OR NATIONAL ORIGINS. WE
ALSO NOTE THAT REACTION OF ETHNIC FILIPINO TO OFFER OF
PHILIPPINE CITIZENSHIP MAY BE NEGATIVE.

PAR. 6. IT IS SUGGESTED EMBASSY CONTINUE TO MAKE STRONG
REPRESENTATION IN OPPOSITION TO THIS GOP PROPOSAL.
DEPARTMENT WOULD APPRECIATE BEING ADVISED OF DEVELOPMENTS.
RUSH

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